

1 DANIEL M. PETROCELLI (S.B. # 97802)
dpetrocelli@omm.com
2 JAMES M. PEARL (S.B. # 198481)
jpearl@omm.com
3 CRAIG P. BLOOM (S.B. #314406)
cbloom@omm.com
4 O'MELVENY & MYERS LLP
1999 Avenue of the Stars, 8th Floor
5 Los Angeles, California 90067-6035
Telephone: +1 310 553 6700
6 Facsimile: +1 310 246 6779

7 Attorneys for Defendants
The Walt Disney Company, et al.
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 ESPLANADE PRODUCTIONS, INC., a
12 Delaware corporation,

13 Plaintiff,

14 v.

15 THE WALT DISNEY COMPANY, a
Delaware corporation; DISNEY
16 ENTERPRISES, INC., a Delaware
corporation; WALT DISNEY PICTURES,
17 a California corporation; ABC, INC., a
New York corporation; BUENA VISTA
18 HOME ENTERTAINMENT, INC., a
California corporation; DISNEY
19 CONSUMER PRODUCTS, INC., a
California corporation; DISNEY
20 CONSUMER PRODUCTS AND
INTERACTIVE MEDIA, INC., a
21 California corporation; DISNEY BOOK
GROUP, LLC, a Delaware limited liability
22 company; BUENA VISTA BOOKS, INC.,
a California corporation; DISNEY
23 INTERACTIVE STUDIOS, INC., a
California corporation; DISNEY STORE
24 USA, LLC, a Delaware limited liability
company; DISNEY SHOPPING, INC., a
25 Delaware corporation; and DOES 1
through 10, inclusive,

26 Defendants.
27
28

Case No. 2:17-cv-02185-MWF-JC

**[PROPOSED] ORDER
GRANTING DEFENDANTS'
REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

1 The Court has duly considered the Request for Judicial Notice in Support of
2 Defendants' Motion to Dismiss Plaintiff's Complaint by Defendants The Walt
3 Disney Company, Disney Enterprises, Inc., Walt Disney Pictures, ABC, Inc.,
4 Buena Vista Home Entertainment, Inc., Disney Consumer Products, Inc., Disney
5 Consumer Products and Interactive Media, Inc., Disney Book Group, LLC, Buena
6 Vista Books, Inc., Disney Interactive Studios, Inc., Disney Store USA, LLC, and
7 Disney Shopping, Inc., (collectively, "Defendants"), which came regularly for
8 hearing in the courtroom of the Honorable Michael W. Fitzgerald. The Court
9 hereby concludes that judicial notice is properly taken of the exhibit to Defendants'
10 Request, on the following grounds:

11 Exhibit A, a DVD copy of Defendants' animated motion picture *Zootopia*, is
12 subject to judicial notice pursuant to Federal Rule of Evidence 201. Its contents are
13 not subject to reasonable dispute and can be accurately and readily determined from
14 sources whose accuracy cannot reasonably be questioned. Additionally, Exhibit A
15 is further subject to judicial notice because its contents are alleged in Plaintiff's
16 Complaint and its authenticity cannot be questioned.

17 IT IS HEREBY ORDERED that Defendants' Request for Judicial Notice is
18 GRANTED.

19
20 IT IS SO ORDERED

21
22
23 Dated: _____, 2017

24 Hon. Michael W. Fitzgerald
United States District Judge